

36.11.304 EQUIPMENT OPERATION IN THE SMZ (1) Operation of wheeled or tracked equipment in the SMZ except on established roads is prohibited except as provided in this rule.

(2) In order to permit timber harvest on wetlands under conditions that protect the integrity of the SMZ, an operator may, as an alternative practice without site-specific approval, operate wheeled or tracked equipment from the outside edge of an SMZ to within 50 feet of the ordinary high water mark wherever:

- (a) the SMZ extends beyond 50 feet from the ordinary high water mark to include adjacent wetlands;
- (b) there exist winter conditions with adequate snow or frozen ground; and
- (c) operation of the wheeled or tracked equipment:
 - (i) does not cause rutting or displacement of the soil;
 - (ii) protects and retains shrubs and submerchantable trees to the fullest extent possible;
 - (iii) does not remove stumps; and
 - (iv) otherwise conserves the integrity of the SMZ.

(3) In order to minimize road construction and trails necessary for timber harvest on lands adjacent to the SMZ, an operator may, as an alternative practice without site-specific approval, cross the SMZ and the stream or other body of water with wheeled or tracked equipment on a class 3 stream segment or other body of water at locations spaced approximately 200 feet apart or more provided that:

- (a) crossings are located in areas where the stream or other body of water is dry and the banks and bottoms are stable;
- (b) excavation is minimized;
- (c) the capacity of the stream channel or other body of water is maintained; and
- (d) the distance traveled through the SMZ is minimized.

(4) In order to minimize road construction necessary for timber harvest on lands adjacent to the SMZ, an operator may, as an alternative practice without site-specific approval, operate wheeled or tracked equipment inside the SMZ off of established roads on the side of the road away from the stream wherever:

(a) an established road exists inside the SMZ or construction of a road inside the SMZ is authorized under ARM 36.11.306;

(b) the toe of the road fill nearest the stream is at least 25 feet from the ordinary high water mark; and

(c) operations are conducted in such a manner that:

- (i) wheeled or tracked equipment stays out of wetlands except under winter conditions as provided in (2);

(ii) all skidding of logs takes place on designated skid trails located approximately 200 feet apart or more;

(iii) all skid trails in such areas are reclaimed by installing erosion control measures and reestablishing vegetative cover;

(iv) drainage features are established or reestablished on all roads used under this section; and

(v) logs are not decked on the side of the road toward the stream.

(5) An operator may, as an alternative practice, without site-specific approval, operate equipment on an existing road located in the SMZ, to allow the extraction of logs or trees from within the SMZ. Under these conditions an operator may:

(a) store individual logs or small groups of logs on the side of a road toward the stream provided:

(i) no portion of any stored log encroaches on an area within 15 feet of the ordinary high-water mark;

(ii) all such areas are reclaimed by installing erosion control measures and the reestablishment of vegetative cover; and

(iii) there are no adverse impacts to the functions of the SMZ or to water quality.

(6) When logs are being winched or cable yarded across a class 1 or 2 stream segment, the logs must be fully suspended over the stream or stream bank unless approved by the department pursuant to a site-specific alternative practice and unless otherwise authorized pursuant to the Natural Streambed and Land Preservation Act of 1975, 75-7-101 et seq., MCA.

(7) Landings shall not be constructed in the SMZ unless the department has approved a site-specific alternative practice pursuant to ARM 36.11.310.

(8) The department may approve operation of wheeled or tracked equipment in the SMZ as a site-specific alternative practice only under conditions that:

(a) conserve the integrity of the SMZ;

(b) do not cause rutting of the soil; and

(c) protect the residual stand of shrubs and trees. (History: 77-5-303 and 77-5-307, MCA; IMP, 77-5-301, 77-5-303, MCA; NEW 1993 MAR p. 14, Eff. 3/15/93; TRANS, 1995 MAR p. 1958, Eff. 7/1/95; AMD, 2006 MAR p. 1883, Eff. 7/28/06.)